

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

AUGUSTIN PRUNEDA, et al.,

Plaintiff(s),

v.

BEXAR COUNTY, TEXAS,

Defendant(s).

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No. SA-22-CA-104-JKP (HJB)

SCHEDULING RECOMMENDATIONS

The parties recommend that the following deadlines be entered in the scheduling order to control the course of this case:

1. Parties shall make initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) on or before **January 20, 2023**. To the extent a defendant knows the identity of a responsible third party contemplated by Texas Civil Practices & Remedies Code § 33.004, such identity is subject to disclosure under Rule 26(a)(1)(A)(i).
2. On or before **January 27, 2023**, the parties must submit a joint report indicating their agreement regarding a method of ADR, an ADR provider, the method of compensating the provider, and a date for completing the ADR proceeding no later than the date set out in Paragraph 10 below. *See* Local Rule CV-88(a).
3. Parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before **February 24, 2023**, and each opposing party shall respond, in writing on or before **March 17, 2023**. All offers of settlement are to be private, not filed. The parties shall retain the written offers of settlement and response, as the Court will use these in assessing attorneys' fees and costs at the conclusion of the proceedings. At any time, if any parties reach a settlement, they should immediately notify the Court by filing a joint advisory. The joint advisory shall state the parties who reached the settlement and whether a settlement conference is required or desired. If a conference is requested, the parties shall confer and provide mutually agreeable potential dates for the conference.
4. On or before **February 24, 2023**, the parties shall file any motion seeking leave to amend pleadings or join parties. To the extent it may apply in this case, the deadline for Defendant(s) to file a motion to designate responsible third parties, pursuant to Texas Civil Practices & Remedies Code § 33.004(a), is **February 24, 2023**.

5. Parties asserting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B), on or before **March 24, 2023**.
6. Parties resisting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B), on or before **April 28, 2023**.
7. Parties shall file all designations of rebuttal experts and serve on all parties the material required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, within fourteen days of receipt of the report of the opposing expert.
8. The deadline to file supplemental expert reports required under Federal Rule of Civil Procedure 26(e)(2) is at least 30 days before trial. The parties are advised any report filed under this deadline may only supplement the initial report and may not introduce new opinion or subject matter. This deadline is not intended to provide an extension of the deadline by which a party must deliver the substance of its expert information or opinion.
9. Parties shall initiate all discovery procedures in time to complete discovery on or before **July 28, 2023**. Written discovery requests are not timely if they are filed so close to this deadline that under the Federal Rules of Civil Procedure the response would not be due until after the expiration of the deadline. *See* Local Rule CV-16(e). The parties may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in exceptional circumstances. *See id.* No trial date setting or other deadline set forth herein will be vacated due to information obtained in post-deadline discovery.
10. The parties must complete the agreed mediation or other ADR proceeding by **August 31, 2023**. At the conclusion of any ADR proceeding, a report must be filed with the Court. *See* Local Rule CV-88(g).
11. On or before **August 16, 2023**, the parties shall file any *Daubert* motions and challenge to or motion to exclude expert witnesses. Any such motion must specifically state the basis for the objection and identify the objectionable testimony.
12. On or before **September 8, 2023**, parties shall file any dispositive motions, including motions for summary judgment on all or some of the claims. Further, notwithstanding any deadline provided herein, no motion (other than a motion in limine) may be filed after this date except for good cause.
13. The District Court will set dates for trial and the final pretrial conference after ruling on any dispositive motions or after the deadline for such motions passes without a pertinent filing. At that time, the Court will also set appropriate deadlines for trial and pretrial conference matters.

Agreed:

Date: 11/17/2022


Counsel for the Plaintiff(s)

Date: 11/16/2022

s/ Susan Bowen w/p CH
Counsel for the Defendant(s)

CERTIFICATE OF SERVICE


As required by Fed. R. Civ. P. 5(a)(1), I certify that I served a copy of this document on all parties or their attorney(s) of record—who are listed below—in accordance with Fed. R. Civ. P. 5(b) on the date indicated as follows:

Ms. Susan Bowen
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101 W. Nueva, 4th Floor
San Antonio, Texas 78205
Facsimile: (210) 335-2773
Attorney(s) for Defendant(s) Bexar County, Texas

- ☐ mail
- ☐ personal delivery
- ☐ leaving it at ☐ office ☐ dwelling
- ☐ leaving it with court clerk
- ☐ electronic means
- ☐ other means
- ☐ CM/ECF system

November 17, 2022

Date


Melissa Moore